

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 06-4235M

MARIO MIRANDA-ARMENDARIZ,

Defendant, and

JOE C. RUIZ,

Surety.

PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION

Proposed Findings

On May 11, 2006 the United States filed a Motion for an Order to Show Cause and Forfeiture of Appearance Bond. (Doc. 13.) I held a hearing on this Motion on July 7, 2006 and hereby make the following findings:

1. On April 13, 2006 Defendant and Joe C. Ruiz, surety, executed an appearance bond in the amount of \$10,000.00. (Doc. 9.)
2. The conditions of release required that Defendant appear for hearings when duly noticed by the Court. *Id.*
3. On May 4, 2006 the Pretrial Services Officer filed a Petition for Action on Conditions of Pretrial Release for Defendant's failure to report to Pretrial Services on May 1, 2006, and a warrant was issued for the arrest of Defendant. (Doc. 10.)
4. The Court noticed Defendant and Joe C. Ruiz, surety, that a bond forfeiture hearing

was set for June 8, 2006. (Doc. 14.)

5. The Defendant was not present at the June 8, 2006 bond forfeiture hearing. At the request of the surety, and with the concurrence of the United States, the Court granted a thirty-day extension of time on the bond forfeiture. (Doc. 15.)

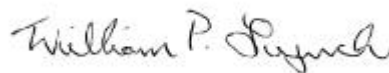
6. The Court noticed Defendant and Joe C. Ruiz, surety, that a second bond forfeiture hearing was set for July 7, 2006. (Doc. 16.)

7. The Defendant was not present at the July 7, 2006 bond forfeiture hearing. (Doc. 17.) Joe C. Ruiz appeared at the second bond forfeiture hearing and offered no valid defense to the forfeiture of the bond.

Recommended Disposition

Pursuant to Federal Rule of Criminal Procedure 46(f)(1), I recommend a declaration of bond forfeiture against Defendant and Joe C. Ruiz, surety. I further recommend that judgment be entered against the Defendant and Joe C. Ruiz, surety, in the principal amount of \$10,000.00, together with United States District Court docketing fees in the amount of \$350.00 as provided by 28 U.S.C. §§ 2412(a)(2) and 1914(a), and interest at the legal rate compounded annually and computed daily until paid.

THE PARTIES ARE NOTIFIED THAT WITHIN 10 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636 (b)(1). A party must file any objections with the Clerk of the District Court within the ten-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.



William P. Lynch
United States Magistrate Judge